Europäisches Patentamt
European Patent Office
Office européen des brevets

European Patent Office
80298 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465

Lucas, Phillip Brian
Lucas & Co.
135 Westhall Road
Warlingham, Surrey CR6 9HJ
ROYAUME-UNI

Formalities Officer
Name: Bonomelli, Federico
Tel: +49 89 2399 - 8459
or call
+31 (0)70 340 45 00

Substantive Examiner
Name: KOLLMANNSBERGER, M
Tel: +49 89 2399 - 7364

Application No.	Ref.	Date
05 776 434.2 - 2101	SLWK1941. 001EP1	25.02.2008
Applicant Samaritan Pharmaceuticals, Inc.		

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).

Europäisches Patentamt • European Patent Office • Office européen des brevets

KOLLMANNSBERGER, M
Primary Examiner
for the Examining Division

Europäisches Patentamt
European Patent Office
Office européen des brevets

European Patent Office
80298 MUNICH
GERMANY
Tel: +49 89 2399 0
Fax: +49 89 2399 4465

Enclosure(s): 2 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

Description, Pages
1-23 as originally filed

Claims, Numbers
1-14 filed with entry into the regional phase before the EPO

Drawings, Figures
1-4 as originally filed

****

1. The claimed priority is valid. D2 is thus disregarded. D1 must also be disregarded since the novelty destroying subject-matter of D1 (compound SP008, example 6 and fig. 5) is only entitled to the last priority of D1 (30.04.2004) which is later than the presently claimed priority (15.04.2004).

   However, PCT application D3 was filed on 14.10.2003, i. e. before the priority date claimed for the present application. It has been supplied to the European Patent Office in one of its official languages and the national fee provided for in Article 22(1) or Article 39(1) PCT has been paid. The requirements of Article 158(2) EPC 1973 are thus fulfilled.

   Its content as filed is therefore considered to be comprised in the state of the art relevant to the question of novelty, pursuant to Article 54(3) and (4) EPC 1973 in so far as the same contracting states are designated. D3 discloses compounds included in general formula (I) which are used to treat Alzheimer's disease (see general formula of claim 1 for Z=CO and R1= aryl and in particular examples 1-11 and 32-39).

2. An International Preliminary Report on Patentability has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC (claim 14, items III and V). Claims 1-13 are considered novel and inventive.

3. The description should be strictly adapted to the scope of any amended claims. References to methods of treatment should be deleted (Art. 53(c) EPC).

4. To meet the requirements of Rule 42(1)(b) EPC, the documents cited in the search report should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

The applicant is requested to file amendments which take account of the above objections.

The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed (Article 123(2) EPC).

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to **clearly identify** the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.

These indications should also be submitted in handwritten form on a copy of the relevant parts of the application as filed.